

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks. Claims 31-51, 53-79, and 81-84 are pending, with claims 31, 47, 62, 69, and 76 being the independent claims. Based on the foregoing amendments and the following Remarks, the Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding rejections.

Interview Summary

The undersigned appreciates the time and attention extended by Examiners Jakovac and Cardone during the telephone interview conducted on October 8, 2008. During the interview, the participants discussed Applicant's priority claim to U.S. Provisional Patent Application No. 60/455,940 (the "'940 Application"), the filing date of which precedes the filing date of U.S. Patent Application Publication No. US 2005/0076220 to Zhang ("Zhang") (on which the outstanding rejection is founded), and Applicant's view that the priority application supports many of the pending claims.

Claim Rejections Under 35 U.S.C. § 112, first paragraph

Claim 52 was rejected under 35 U.S.C. § 103(a) as failing to comply with the enabling and written description requirements, on the grounds that random generation of identification data is not enabled by the disclosure. These rejections are rendered moot by the cancellation of claim 52.

Claim Rejections Under 35 U.S.C. § 102(e) and 103(a)

Claims 31-64 were rejected under 35 U.S.C. § 102(e) or 103(a) as being anticipated by, or unpatentable over, *Zhang*. The rejection of claims 52 and 80 is rendered moot by the cancellation of those claims.

Zhang is not available as a reference

Applicant respectfully submits that at least claims the claims discussed below are entitled to an effective filing date that predates the effective date of *Zhang* as a reference, based on the priority claim to the '940 *Application*. As requested by the Examiner in the October 8 interview, Applicant identifies below exemplary disclosure in the '940 *Application* that supports the identified claims.

Support for the independent claims (31, 47, 62, 69, and 76) can be found throughout the '940 *Application*, but exemplary disclosure can be found in the sections entitled "ASSI Components" (pp. 4-5) and "ASSI Component Interaction Methodology" (pp. 5-7), and in Figure 1.

Support for dependent claims 33 and 49 (reciting that "said identification data is derived at least in part from information contained in one or more of a message header, a message text, and a timestamp") can be found, for example, in the sections entitled "Unique ID Creation" (pg. 7) and "ASSI Data Sharing & ID Comparison" (pp. 7-8) (see the third bullet point for reference to a timestamp, and the fourth bullet point for reference to basing the Unique ID on the content of the email itself).

Support for dependent claims 34 and 51 (reciting that "said identification data is included in a message header of said electronic message") can be found, for example, in item 2 on page 6 ("This Unique ID will then be placed within a message header of the outgoing email . . .")

Support for dependent claims 38, 41, 56, 57, 70, 71, 78, and 79 (reciting that receiving or responding to confirmation requests includes receiving or responding via port-to-port communication) and for dependent claims 39, 42, 58, 60, 65, 67, 72, 74, 81, and 83 (reciting that the receiving or responding to confirmation requests includes receiving or responding with an electronic message) can be found, for example, in the section entitled “ASSI Communication” (pg. 7)

Applicant notes that a Request for Corrected Filing Receipt was filed with Applicant’s response to the first office action, to reflect the priority claim to the ‘940 *Application*, and respectfully requests that the Examiner act on this request.

Claims 32, 40, 43, 48, 59, 61, 66, 68, 73, 75, 77, 82 and 84 are allowable over Zhang

Claims 32, 40, 43, 48, 59, 61, 66, 68, 73, 75, 77, 82 and 84 are amended to delete the recitation of “an e-mail”, and thus to recite only a “text message, VoIP message, or instant message.” Application submits that *Zhang* does not disclose such messages, and therefore that the claims are allowable over *Zhang*.

Claims 35 and 54 are allowable over Zhang

The Examiner acknowledged that *Zhang* does not disclose that the identification data is included as an attachment to the electronic message, but asserts that “these differences are found only in nonfunctional descriptive material and are not functionally involved in the steps recited.” Without acquiescing to the Examiner’s position on this point, but in an effort to expedite prosecution, Applicant has amended claims 35 and 54 to recite that “said sending includes attaching said identification data as an attachment to said electronic message.” Accordingly, Applicant submits that these claims are allowable over *Zhang*.

Claims 37 and 55 are allowable over Zhang

The Examiner acknowledged that *Zhang* does not disclose that the identification data includes a checksum for the message text, but asserts that “these differences are found only in nonfunctional descriptive material and are not functionally involved in the steps recited.” Without acquiescing to the Examiner’s position on this point, but in an effort to expedite prosecution, Applicant has amended claims 37 and 55 to recite “calculating a checksum for said message text” and “including said checksum in said identification data” Accordingly, Applicant submits that these claims are allowable over *Zhang*.

Claims 36 and 53 are allowable over Zhang

The Examiner rejected claims 36 and 53 as anticipated by *Zhang*, citing to the abstract, Fig. 1 and paragraphs [0058] – [0061]. Applicant respectfully submits that the cited portions of *Zhang* do not disclose “said identification data is included in said message text” as recited in those claims. Accordingly, Applicant submits that these claims are allowable over *Zhang*.

Claims 46 and 50 are allowable over Zhang, and/or Zhang is not available as a reference

The Examiner rejected claims 46 and 50 (which recite that “said identification data is an alphanumeric string”) as anticipated by *Zhang*, citing to paragraphs [0058] – [0061] “sender email address, fingerprint key.” Applicant respectfully submits that the cited portions of *Zhang* do not explicitly disclose that the email address or fingerprint key is an alphanumeric string. To the extent that the Examiner considers such data inherently to be in the form of an alphanumeric string, then Applicant respectfully submits that the Examiner must consider the ‘940 *Application* to disclose inherently that the recited identification data (e.g. “Unique ID”) can be an

alphanumeric string and thus that *Zhang* is not available as prior art to these claims.

Accordingly, Applicant submits that these claims are allowable.

Claims 44 and 45 are allowable over *Zhang*

The Examiner rejected claims 44 and 45 as anticipated by *Zhang*. Claim 44 recites that “said comparing is performed at a device different from a device at which said associating is performed,” and claim 45 recites that “said comparing is performed at a device different from a device at which said sending is performed.” The Examiner cites to paragraphs [0058] – [0061] and specifically to the comparison by the “Email Chief.” Applicants notes that the cited portion of *Zhang* makes clear that the comparison by the Email Chief does not include “comparing [said] identification data” “uniquely identifying said electronic message” as recited in independent claim 31 from which claims 44 and 45 depend. Rather, the cited portion of *Zhang* discloses that “if the Email Chief (C) can match the fingerprint key with the one in the record for the given email address” (emphasis added). Thus, the purpose of *Zhang*’s fingerprint key is to authenticate an email address, not to uniquely identify an electronic message. See also paragraph [0054] of *Zhang* (“the Email chief C can . . . issue a fingerprint key for each email address after a successful registration”). For at least this reason, Applicant submits that claims 44 and 45 are allowable over *Zhang*.

Conclusion

In view of the foregoing, Applicants respectfully requests that the Examiner reconsider all outstanding rejections and that such rejections be withdrawn. Applicants believe that a full and complete response has been made to the outstanding office action and thus that the present application is in condition for allowance. If the Examiner believes, for any reason, that further

personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.


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Respectfully submitted,
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